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versary. If we know our own heart, however, it is still serene, and what we are about to say will be uttered more in sorrow than in anger. Indeed, a second reading of the very modest and taking preface, following as that rereading did an examination of the body of the work, came near to stifling our sense of duty and to softening our moral backbone into a chocolate éclair. But the kindest-hearted critic is bound to regard his obligation to the reading public carefully, and to discharge it conscientiously, however much he may disappoint the hopes of author and publisher.

It is only fair to say, that the opinions which we have formed of this book are quite different from those which the enterprising publisher has been disseminating, in the form of quotations from letters written by distinguished lawyers. Some of the letters disclose the fact, however, that they are acknowledgments of gratuitous copies of the lauded book. It is an old saying that one should not look **a** gift horse in the mouth. Evidently the writers of some of these epistles have heeded the proverb. Their statements are to be accounted conventionalities, which have cost little labor and possess little value. They are the smooth phrases of good-natured men, who appear to us ready to swap a puff for a book. If these men went beyond a cursory glance at the substantial binding, the good paper and the clear type of this book, it is difficult to understand how they are able to praise it. Had they essayed the task of reading it carefully, they would have been compelled to admit that they had never examined a book, even a law book, which was written in a more wretched style. Here are a few specimen sentences :

“Whether a surety’s liability is a debt is a question not answered the same” (p. 5). “A surety has the right to determine for himself on what condition he will become surety and to fix the nature of his liability as between himself and the prior maker; and by agreement between him and said principal, the liability of said subsequent signer may be made that of all sureties for all the makers who have signed before him” (p. 7). “The contract of indorser is primary and that of transfer; a guaranty is that of a security; a guarantor is held to a stricter measure of responsibility” (p. 242). “One line of decisions hold that a guaranty of the collection of a note, that it is not necessary for the holder to try collection by legal proceedings, provided it would be of no avail” (p. 265).

But the defects of this book are not confined to its style. It abounds in conflicting statements which the author does not attempt to harmonize or explain, and it cites in support of propositions cases which lend to them no countenance whatever. For example, the author declares, on page 264, that some cases hold that a “guaranty under seal is negotiable,” and cites cases from Alabama, Illinois, Missouri, New York and Wisconsin to sustain his assertion. In not one of them can be found a suggestion that a guaranty under seal is negotiable. In short, the author’s hope, expressed in the preface, that “definitions have been formulated and principles stated with perspicuity and accuracy” has not been realized. Neither accuracy nor perspicuity characterizes this work.

THE LAW AND POLICY OF ANNEXATION—WITH SPECIAL REFERENCE TO THE PHILIPPINES, TOGETHER WITH OBSERVATIONS ON THE STATUS

OF CUBA. By Carman F. Randolph. New York: Longmans, Green & Co. 1901. pp. xi, 256.

It is a curious fact that nearly every writer who has undertaken to discuss the constitutional questions growing out of the recent territorial expansion of the United States has seemed to feel compelled to hold, either that all the provisions of the Constitution, which could by any possibility be applicable, operate to limit the action of the United States Government in the newly acquired territory, or that none of them do, and that the government has, therefore, a free hand to do what it will. That one may, for example, hold that the so-called "Bill of Rights" limits the action of the Government in a territory, and at the same time believe that that territory is not a part of the "United States" within the meaning of the term as used in the clause requiring uniformity of duties, does not seem to present itself as a possibility to the minds of most persons. The present work is no exception to this general rule, and it is perhaps for that reason that, in spite of its comparative moderation of tone, it leaves an impression upon the reader of having been written by one having a brief against the present administration, rather than by one intent upon a purely scientific exposition of the law governing the subject.

The plan of the book includes a discussion of both the questions of law and the questions of policy involved in the annexation of the Philippines. With reference to the latter, Mr. Randolph urges a withdrawal of the United States from the Philippine Islands as a sovereign power, and suggests as the method of its accomplishment a protectorate along lines which he lays down. A discussion of the advisability or feasibility of this the scope of this review forbids. We mention it in passing, however, as it is perhaps inevitable that the author's views as to policy should, perhaps unconsciously, have given color to his views on the legal aspects of the problem.

From what has already been said, it seems hardly necessary to add that Mr. Randolph takes the position that the Constitution of the United States possesses of its own force validity in the Philippines, to the extent of carrying into the islands the provisions in behalf of civil liberty, of demanding uniformity with the rest of the United States in the matter of duties, imposts and excises, and making the Filipinos born since annexation citizens of the United States. The space at our disposal prevents a critical examination of the various positions advanced and permits only of a brief summary of the most important of them. The first chapter deals with the annexation of the Philippines, discusses the Spanish title, our title under the treaty with Spain, and the legal effects of acquisition, the view taken being as above stated, that the islands have, by the ratification of the treaty, become a part of the United States so as to come under the Constitution. The second chapter discusses the question further, in the form of a reply to the arguments urged in favor of the contrary view. This chapter is among the best in the book, and shows an appreciation of the fundamental principles of the American system of constitutional government which is often conspicuous by its ab-

sence in current discussions of the subject. The third chapter deals with a variety of subjects, including questions of nationality and citizenship, political and civil rights, and foreign and domestic commerce. The views advanced are, that the Filipinos born since annexation are citizens by virtue of the Fourteenth Amendment, having been born in the United States and subject to its jurisdiction; that those born before annexation are citizens duly naturalized by the Treaty of Paris; and that the clause requiring uniformity of duties throughout the United States includes the Philippines and Porto Rico.

In the fourth chapter, under the heading "The Governing of the Philippines," the constitutional powers of the President, both before and after the treaty, and of Congress, are considered. The view is expressed that the legislative acts of the President in the Philippines since the ratification of the treaty of annexation are illegal, constituting a usurpation of the powers of the Legislature by the executive. The reasoning upon this point is perhaps as unsatisfactory as any in the book. The same may be said of the summary disposal of the recent act of Congress vesting in the President, or rather in his appointees, all power of local government in the Philippines, it being characterized, without any satisfactory reason, as "a halting measure of doubtful legality."

Chapter five deals with the alienation of the Philippines, and is occupied chiefly with the discussions of policy previously referred to. The following twenty pages are devoted to an interesting discussion of the legal problems raised in connection with the present position of Cuba. An observation, which has, owing to developments in Cuba since the book was written, lost much of its practical importance, is that which points out that, should the United States desire to annex Cuba before recognizing the establishment of an independent government, the annexation could not be accomplished by treaty, inasmuch as there would be no State with which to make a treaty.

The book is equipped with an adequate index, and contains in an appendix the text of the joint resolution of Congress, the declaration of war against Spain, the protocol and treaty of peace, and a few select documents illustrating the principles acted upon by England, France and Germany in establishing protectorates.

Taken as a whole, the book does not satisfy the expectations aroused by its title, which hardly leads on to expect so one-sided a presentation of the subject. It is, nevertheless, a valuable and interesting contribution to the literature of these much-debated questions, and should not be neglected by any one who desires to familiarize himself with the arguments upon that side of the subject which the book presents.

REGISTERING TITLE TO LAND—A SERIES OF LECTURES DELIVERED AT YALE. By Jacques Dumas, LL. D. *Procureur de la Republique*, at Rethel, France. Chicago : Callaghan & Co. 1900. p. 106.

The title of this work is somewhat misleading. The subject is of such great present interest and concerns so many sides of civic